Review of the Employment Equity Act: A Report to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities

Ottawa – February 21, 2002

Presented by Rita Warner, Chair

Nova Scotia Advisory Council on the Status of Women
PO Box 745, Halifax NS B3J 2T3
Phone: 902-424-8662 / 1-800-565-8662
Fax: 902-424-0573
E-mail: nsacsw@gov.ns.ca
Internet: http://www.gov.ns.ca/staw/

The Nova Scotia Advisory Council on the Status of Women was established by provincial statute in 1977. The Council's mandate under the Advisory Council on the Status of Women Act is to advise the Minister Responsible for the Status of Women and to bring forward the concerns of women in Nova Scotia.

The Council's work touches on all areas of women's lives, including . . .

- ♀ family life
- ♀ economics
- ♀ legal rights
- ♀ sexuality
- ♀ health
- ♀ education
- ♀ paid & unpaid work
- ♀ violence

Council pays close attention to the experiences of women who face barriers to full equality because of race, age, language, class, ethnicity, religion, ableness, sexual orientation, or various forms of family status.

We are committed to voicing women's concerns to government and the community through policy research, information services, and community development. Working cooperatively with women and equality-seeking organizations, our mission is to advance equality, fairness, and dignity for all women.

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Good afternoon, Madam Chair and Committee Members:

Thank you for giving me the opportunity of speaking to you today.

This year, 2002, marks the 25th anniversary of the Nova Scotia Advisory Council on the Status of Women. When we compare the work force participation of women today to that in the mid-70's, when our organization began, we see some enormous differences:

- in the 70's, most women still took substantial time out of the paid work force to raise families. Today, most women stay in paid work throughout their lives, even when their children are quite young.

- in the 70's, women were just beginning to make inroads into the professions of law and medicine particularly. Today, the male-female ratio in law and medical school has reached parity, and women are well-represented in fields such as economics and business. While schools of engineering and computer science are still struggling to attract more women, the very fact that efforts are being made is a huge shift within our generation.

At the same time, a great deal remains to be done. The wage gap remains at about 73 cents for women compared to each dollar for men, based on full-time, full-year work. Women still work for less

money than men. And, despite the fact that women now predominate slightly in post-secondary programs across the country, they are still seriously under-represented in science, technology and trades occupations. Furthermore, women also remain under-represented at senior levels of organizational leadership. At least part of this is due to women's disproportionate share of the caregiving responsibilities in our society.

Women still face disadvantage in the workplace. One weakness in the Employment Equity Act, however, is the way that it defines equity groups: women, visible minorities, aboriginal persons and persons with disabilities. The failure to recognize that gender cuts across all equity groups suppresses recognition of the multiple disadvantage that women from First Nations communities, racialized groups and disability groups face. We recommend that revisions to the Employment Equity Act and Regulations clearly recognize the multiple disadvantage of these women.

Recommendation 1:

That revisions to the Employment Equity Act and Regulations clearly recognize the multiple disadvantage of women in First Nations, racialized and disability groups.

The Employment Equity Act remains a valuable tool in addressing workplace issues, but has to be seen as one tool among many. For example, access to educational and training opportunities where they remain under-represented is of vital importance to equity groups, as are active outreach and social development initiatives at the community level. And, just as importantly, we need to support employers in developing the workplace cultures that foster the inclusion of all people, and allow all employees to contribute fully.

Among the initiatives which we would most strongly recommend are measures to address work-life balance. Failure to do so is an important cause of women's withdrawal from the labour force, or inability to participate to their full potential.

The current review of the Employment Equity Act is one which we approach with optimism, in part because the review conducted 5 years ago had two very positive results. The first of these was extension of the Act to federal departments and agencies. Needless to say, Canada's efforts in the employment equity field lacked considerable credibility and even legitimacy in the eyes of many employers when government itself did not accept either the burden or the benefits of this legislation.

The second change which produced very positive results was the development of an accountability mechanism, through the Canadian Human Rights Commission. A statute with no mechanism for enforcement lacks both credibility and utility. So, we were encouraged to see in the earlier reports to this committee that the Canadian Human Rights Commission is, in their own words, "firm, flexible and fair" in their insistence that employers make headway in implementation of their employment equity plans.

I would like to point out to you one success story about employment equity that is taking place in Halifax. The port of Halifax remains a vital part of the local economy, and longshore workers, including checkers, are critical to a well-functioning port. Longshore work is hard work, and can be dangerous. Ships have to be loaded and unloaded on time, regardless of the hour, regardless of the weather. Despite the technical advances related to containerization, strength and fitness are essential, and, at the higher levels of the industry, considerable technical skill and education is needed to ensure safe and reliable operation of machinery such as cranes. On the organizational side, the work arrangements are complex, with great importance in maintaining positive working relationships between union and management, representing consortia of shipping companies doing business in Halifax.

To say that longshore work is male-dominated is almost an understatement. And yet, as a result of an improved economy for shipping, and as a result of the requirements of the Employment

Equity Act, there now are about 25 women actively working in the longshore industry in Halifax. The process by which this was able to occur is exemplary, illustrating the challenges of complex labour relations, as well as the success which is possible with joint commitment, adequate resources, and the patience and skill needed to bring about effective organizational change.

I have brought along a copy of a newsletter story about this effort, and we would recommend that success stories like this one be the subject of more formal case study research. It is from examples such as this one that employers and unions can learn valuable lessons for future success. And, I would add, it is just as important to document these successes in terms of process and outcome as it is to produce the bottom-line statistics in the current employment equity reports. Such research would support better education and training for the implementation of employment equity, as well as rewarding employers, unions and workers involved through recognition of their accomplishments.

Recommendation 2:
That employment equity statistics be supplemented by case study research, suitable for publication in both the business literature and popular media, and suitable for application in training for employment equity practitioners.

This brings me to another set of recommendations related to the statistical basis of the employment equity effort. We have all heard how onerous employers have found the development of workforce surveys and the limitations faced through employee reluctance to self-identify particularly if they have various kinds of disabilities. As well, the labour market data available often have very serious deficiencies.

One example of the latter, with a serious impact on every equity group results from the fact that, in order to preserve confidentiality, Statistics Canada does not report frequencies of less than 250 in any given occupational category. This in turn can result in the mistaken conclusion that there is no gap between representation in a workforce and availability in the employer's catchment area.

Another example of statistical deficiency relates to timeliness, or lack thereof. In the case of disability statistics, for example, the 1991 Health and Activity Limitation Survey (HALS) is still the most recently available, clearly inadequate for purposes of planning employment equity initiatives today.

Given the centrality of statistical information in the entire employment equity process, we recommend that the serious limitations in the statistics on which employment equity planning rests be addressed. We value the contributions of Statistics Canada, and recommend that this world-class agency be charged with the responsibility of improving the current situation, and be allotted the resources necessary to do so.

Recommendation 3:
That the serious limitations in the statistical basis on which employment equity planning rests be addressed, through measures to improve self-identification of employees, more adequate representation of occupational categories where small numbers of equity group members appear, and through more accurate and timely provision of data on equity group members.

The final challenge we would like to bring forward relates to implementation of employment equity after the workforce survey and goal-setting process is complete. Too often the resources for employment equity are depleted by the time the plan is in place. Gender and cultural sensitivity training, accommodation of persons with disabilities, development of policies to address work-family conflict, mentoring of equity employees to support retention: all these vital steps on the road to success need to be adequately resourced and funded. Too often, human resource staff without sufficient time, training, or resources are left to implement the employment equity effort. The challenge is to move beyond "compliance" with the minimum requirements of the Act, to full implementation and realization of the benefits which both companies and communities can gain.

What can be done to foster that progress? We recommend that tax measures be explored, to determine what could be done to reward a firm's investment in the implementation of employment equity. For

non-profit organizations such as universities for whom tax measures are not useful policy instruments, the possibility of matching grants, for example, should be explored. To ensure the successful integration of persons with disabilities, including changes in the physical environment and technical aids, both grants and tax support should be considered. Broadly speaking, we recommend that the Employment Equity Act and Regulations make provision for rewarding achievements over and above mere compliance.

Recommendation 4:
That the Employment Equity Act and Regulations make provision for rewarding achievements over and above compliance, through tax relief, matching grants, or both.

In conclusion, the Employment Equity Act has to be placed in the context of the goals of social inclusion and the integration of social and economic development. Only by taking a more holistic approach can we continue our journey toward the full economic equality of all women and men from equity groups.

Thank you for the opportunity of speaking to you today.

Endnotes

1. In this brief, we have made reference to: Comeau, Madeline. *Women on the Waterfront.* **Women's Writes** 5.2 (December 2000): 8-9.

Women on the Waterfront

By Madeline Comeau

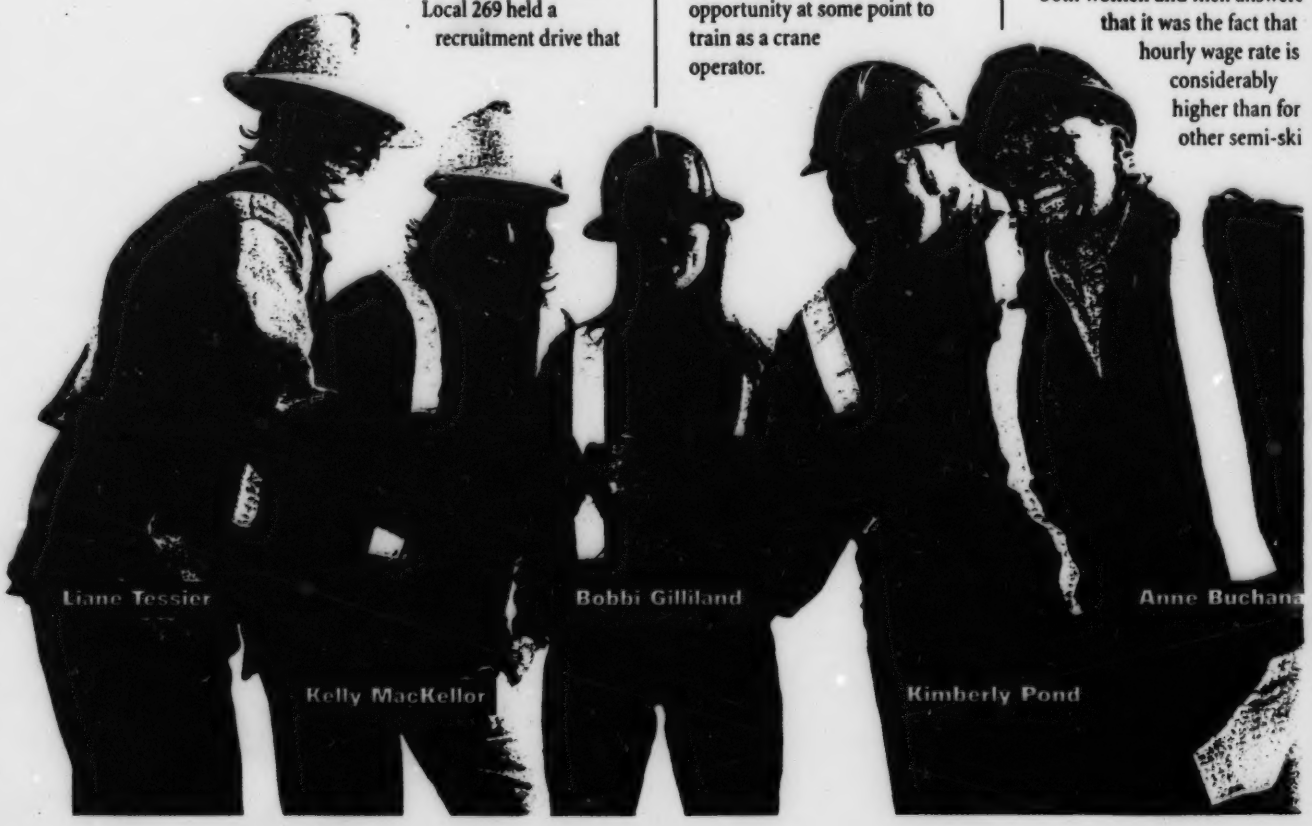
The face of the workforce on the Halifax waterfront is changing. The next time you are strolling along the beach at Point Pleasant Park and pause to observe the activity at Halterm container terminal, think WOMEN.

Tell your daughters, your nieces and your granddaughters that they can now aspire to operate one of those massive cranes standing majestically against the blue horizon. Or have them imagine themselves operating a yard tractor, or carrying out repairs to a forklift or truck.

In May, after 92 years in operation on the Halifax waterfront, history was made when Rosanne Weagle became the first female member of Local 269 of the International Longshoremen's Association (I.L.A.). Since then, the Halifax Employers Association and Local 269 held a recruitment drive that was successful in attracting a large number of female applicants.

As a result, women are expected to make up 25 per cent of the 68 candidates on the new cardboard. Candidates are currently taking part in a probationary work and training program, which includes an orientation to all aspects of longshore work, health and safety training, and professional training in the operation of forklifts and yard tractors. For those who make the longshore industry a lifelong career, there will even be the opportunity at some point to train as a crane operator.

When the current trainees w asked what attracted them to longshoring work, the majority both women and men answere that it was the fact that hourly wage rate is considerably higher than for other semi-ski



Women on the Waterfront

labour occupations. Trainees earn at least $24 an hour and have first priority after union members and the current cardboard for dispatch to the five employers, including the container terminals (i.e. Halterm and Ceres). The variety of work was also appealing, as well as, unlike many other jobs in the transportation industry, this work would not involve travel away from their families.

In the near future, the Halifax Employers Association and I.L.A. Local 1341 plan to create a new preferred list of checkers. In keeping with the company's commitment to employment equity, the goal is to achieve a representation rate of 50 per cent women on this list.

Checkers undertake tasks that are similar to that of shippers and receivers. However, unlike stevedoring, the work is not physically demanding. The recruitment drive for checkers, like that for the longshore workers, will outreach to the aboriginal community, visible minorities and persons with disabilities.

The third category of workers on the waterfront are the industrial electricians, industrial mechanics, heavy-duty mechanics and welders—members of I.L.A. Local 1825. Local 1825 has demonstrated strong support for the Halifax Employers Association's efforts to attract tradeswomen.

Since so few are currently enrolled in trades training programs, women continue to lose out on opportunities not only on the waterfront, but also in the expanding oil and gas industry. Despite the obstacles that at present seem insurmountable, management and union are determined to forge ahead.

More information on longshore work is available from the Halifax Employers Association by calling 902-422-4471.

Madeline Comeau has been working as an employment equity specialist with the Halifax Employers Association since 1998. She is president of Workplace Equity Services, a consulting company she founded in 1995.

Comeau, Madeline. *Women on the Waterfront.* Women's Writes 5.2 (Dec 2000): 8-9.

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A Longshore Woman

is responsible for the movement of cargo to and from ships, trucks and railway cars. She is trained to operate industrial tractors and forklifts to transfer cargo around the docks. She also secures containers aboard ships using lashing rods. She likes to work outside doing physically demanding work, and has good communication and problem solving skills. (Note: Information is available from the association that can help individuals prepare for the strength and endurance test.)

A Checker

is responsible for recording the movement of cargo, such as containers and automobiles, to and from the waterfront by ship, rail, and truck. She records information such as the size and type of cargo or container either manually or with a hand held computer. She works with ships' bay and discharge plans, and often uses a two-way radio to direct the placement of cargo on the terminal for future loading and off-loading. She is attentive to detail, good at planning and coordinating, and communicates effectively with customers and employers. She may have clerical training and experience, but prefers the waterfront setting to more traditional office work.

A Heavy-Duty Mechanic

is responsible for repairing and maintaining mobile heavy equipment on the waterfront. Her duties include checking trucks, tractors, forklifts and the cranes to diagnose any faults or malfunctions, and carrying out the necessary repairs. She also performs routine maintenance work such as servicing and lubrication of equipment. She has a provincial certification earned through a combination of in-class college courses and practical work experience.